**IN THE HIGH COURT OF JUDICATURE**
**AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**CIVIL WRIT PETITION NO.8485 OF 2006**

Sou.Vasudha Jagannath Shinde ...Petitioner
Vs.
Government of Maharashtra & Ors. ...Respondents

Mr.S.S.Pakale, Advocate for Petitioner
Mr.R.D. Rane, AGP for Respondents 2 to 5

**CORAM: SMT.RANJANA DESAI &**
**SMT.ROSHAN DALVI, JJ.**
**DATED: 20TH NOVEMBER, 2007**

**P.C.**

1. We have heard Mr. Pakale, learned Counsel appearing for the Petitioner. We have heard Mr. Rane, AGP.

2. The case of the petitioner is that respondent 5 had temporarily posted her in Vidyamandir Kandalgaon, Taluka Karveer vide order dated 7th October, 2005. This posting was confirmed on 21st June, 2006. Respondent 2 relying upon Government Decision dated 27th June, 2006 has issued order dated 5th October, 2006 cancelling the appointments of Class III and Class IV employees made on deputation. The petitioner is aggrieved by order dated 4th December, 2006 issued by respondent 5 relying on Government Decision

dated 27th June, 2006 cancelling the petitioner's posting at Vidyamandir Kandalgaon. It is the petitioner's case that posting in Vidyamandir Kandalgaon was a request transfer on medical grounds. The petitioner was not sent on deputation. Hence, her appointment could not have been cancelled.

3. Affidavit in reply is filed by Ganesh Sawant, Block Development Officer, Panchayat Samiti, Karveer Kolhapur. He has stated in his affidavit that order dated 4th December, 2006 is based upon Government Decision dated 27th June, 2006. The said decision states that the appointments on deputation of Zilla Parishad employees are being made on a large scale as an alternative to transfers of such employees, and deputation as an alternative to transfer is not proper. Order dated 7th October, 2005 states that the deputation of the petitioner was made only until further orders and purely on temporary basis. The affidavit further goes on to say that the petitioner therefore, cannot claim, as a matter of right to continue permanently on the post of deputation.

4. Our attention is drawn by learned AGP to the judgment of the Supreme Court in *Kunal Nanda Vs. Union of India & Anr. (2000)5 Supreme Court Cases 362.* The following observations of the Supreme Court are relevant :

> *" A deputationist cannot assert and succeed in his claim for permanent absorption in the department where he works on deputation, unless his claim is based upon a statutory rule, regulation or order having the force of law. A deputationist can always and at any time be repatriated to his parent department, at the instance of either borrowing department or parent department. There is no vested right in such a person to continue for long on deputation or get absorbed in borrowing department".*

5. If the present case is examined in the light of the above observation of the Supreme Court conclusion is inevitable that action of the respondents cannot be faulted. We cannot interfere with the impugned order.

6. Mr. Pakale states that the petitioner wants to prefer a representation to the Divisional Commissioner as per Government Resolution Dated 27th June, 2006. If the petitioner makes any representation to the Divisional Commissioner, the Divisional Commissioner may dispose it off in accordance with law.

7. Petition is disposed of.

**(SMT. ROSHAN DALVI, J.)** **(SMT.RANJANA DESAI, J.)**